

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

DENNIS CLAYPOOL, individually and  
as Guardian Ad Litem for KRISTEN  
CLAYPOOL, a minor, SHERYL  
CLAYPOOL, SCOTT CLAYPOOL,  
and KRISTEN CLAYPOOL,

Plaintiffs,

vs.

CAPTAIN ANDY'S SAILING, INC.,  
BLUE DOLPHIN CHARTERS, LTD.  
and BLUE DOLPHIN DIVING, INC.,

Defendants.

---

MATTHEW ISHAM, Individually and  
as Guardian Ad Litem for HAYDEN  
ISHAM, a minor, ROXANNE BEST  
ISHAM,

Plaintiffs,

vs.

BLUE DOLPHIN CHARTERS, LTD.  
and BLUE DOLPHIN DIVING, LTD.,  
CAPTAIN ANDY'S SAILING, INC.,

Defendants.

---

IN THE MATTER OF THE  
COMPLAINT OF BLUE DOLPHIN  
CHARTERS, LTD. AND TERRY  
CONNELLY, AS OWNERS OF THE

CIVIL NO. CV04-00570 HG-BMK

DECLARATION OF STEPHEN C.  
SMITH

CIVIL NO. CV04-00559 HG-BMK

CIVIL NO. CV05-00037 HG BMK

VESSEL M/V BLUE DOLPHIN, O/N  
1082212, FOR EXONERATION  
FROM AND/OR LIMITATION OF  
LIABILITY

**DECLARATION OF STEPHEN C. SMITH**

STEPHEN C. SMITH, hereby declares as follows:

1. I am of counsel with the law firm of Carlsmith Ball LLP, and am licensed to practice law in the State of Hawaii, and have been admitted to practice law before this Court. I am the attorney representing Markel International Insurance Co., Ltd. ("Markel") in this action.

2. I make this declaration on my personal knowledge and would be competent to testify on the matters stated below.

I, STEPHEN C. SMITH, declare under penalty of perjury that the foregoing is true and correct.

Executed at Honolulu, Hawaii, on May 25, 2006.

/s/ Stephen C. Smith  
STEPHEN C. SMITH